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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/828,803	04/21/2004	Scott Carden	710101.1420	5084

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EXAMINER

FIGUEROA, FELIX O

ART UNIT PAPER NUMBER

2833

DATE MAILED: 09/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/828,803

Applicant(s)

CARDEN, SCOTT

Examiner

Felix O. Figueroa

Art Unit

2833

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11, 14-21 and 24-28 is/are pending in the application.
- 4a) Of the above claim(s) 28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 14-21 and 24-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 28 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 July 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Newly submitted claim 28 is directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: the inventions are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP 806.05(h)). In the instant case the product as claimed can be used in a materially different process, such as clamping the clip into the housing.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claim 28 is withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Specification

The specification is objected because any abbreviation must be written out initially. Therefore, HDSL4 in paragraph [0031] should be written out initially.

Claim Objections

Claims 9-11 are objected to because of the following informalities: In claim 9 line 2, "wall" should be --walls--. In claim 10 line 1, "wall" should be --walls--. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-11, 14-21 and 24-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art (APA), Figures 2-4, in view of Karlstrom et al. (US 5,480,329).

Applicants APA discloses a connector for connecting a subscriber line to an electrical component, the connector comprising: a housing (106) with a receiving slot, the housing coupled to a plurality of receptacles (224) for receiving the subscriber line and electrically coupling the line to the electrical component (100), the electrical component having at least a surface with a connector receptacle (104); and a clip (200) having a first foot (202) slidably coupled to an inner wall of the housing, the inner wall defining a receiving slot, the clip further having an attachment portion (204). Applicant's APA discloses substantially the claim invention except for the first and second openings that are aligned when the connectors are mated. Karlstrom discloses a connector comprising: a housing (11) having a receiving slot (on the side); and a clip (13/47) slidably coupled to and retained by an inner wall of the housing, the inner wall defining (in part) the receiving slot; the clip further having an attachment portion with a second opening (at 29), the second opening substantially aligning with a first opening in a mating electrical component in order to provide a strong and secured mechanical and electrical connection. It would have been obvious to one of ordinary skill in the art at the

time the invention was made to use the clip arrangement of Karlstrom to connecting with a transceiver mounted on a chassis, in order to ensure a secured mechanical and electrical connection.

Regarding claim 2, the APA discloses the electrical component being a chassis.

Regarding claim 3, the APA discloses the inner wall having a depression and the clip being positioned in the depression such that the clip is retained by the inner wall.

Regarding claim 4, Karlstrom discloses the housing being a plastic housing (col.2 lines 52-53). It would have been obvious to one having ordinary skill in the art at the time the invention was made to form the housing with plastic as the preferred material, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design preference. *In re Leshin*, 125 USPQ 416.

Regarding claims 5 and 6, Karlstrom discloses the clip made of a deformable material, i.e. metal, in order to provide wear resistance.

Regarding claims 7 and 8, Karlstrom discloses the clip comprises a first foot and a second foot, and each foot having a tab (end of 49).

Regarding claims 9-11, Karlstrom discloses the slot having first and second protruding inner walls with first and second retaining depressions (51).

Regarding claim 14, Karlstrom discloses a screw passing through the first and second openings thereby securing the clip to the mating electrical component.

Regarding claim 15, Karlstrom discloses a system comprising a component having a receptacle and an opening within close proximity to the receptacle (col.4 lines

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29-35); and a connector comprising a housing (11) and a clip (13/47) comprising an opening (29), and a screw (15) for securing the connector to the opening of the electrical component. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the clip arrangement of Karlstrom to connect the connector with a transceiver mounted on a chassis, in order to ensure a secured mechanical and electrical connection.

Regarding claim 16, Karlstrom discloses the housing being a plastic housing (col.2 lines 52-53).). It would have been obvious to one having ordinary skill in the art at the time the invention was made to form the housing with plastic as the preferred material, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design preference. *In re Leshin*, 125 USPQ 416.

Regarding claim 17, Karlstrom discloses the clip made of a deformable material.

Regarding claim 18, Karlstrom discloses the clip comprises a first foot and a second foot for slidably coupling the clip to the housing.

Regarding claim 19, Karlstrom discloses each foot having a tab (end of 49).

Regarding claims 20 and 21, Karlstrom discloses the slot having first and second protruding inner walls with first and second retaining depressions (51).

Regarding claims 24 and 25, Karlstrom discloses the feet being deformable, and a surface through which the opening passes being perpendicular to the feet.

Regarding claims 26 and 27, APA as modified by Karlstrom discloses the chassis receptacle and the first opening passing through a surface of the chassis, and wherein

the clip further comprises an attachment portion, the second opening passing through the attachment portion, the attachment portion substantially parallel to the surface of the chassis; and a screw passing through the first and second openings thereby securing the clip to the electrical component.

Response to Arguments

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).



A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Felix O. Figueroa whose telephone number is (571) 272-2003. The examiner can normally be reached on Mon.-Fri., 10:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley can be reached on (571) 272-2800 Ext. 33. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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THO D. TA
PRIMARY EXAMINER